

LISA GOLLIN EVANS (MA SB # 200730)
(Admitted *Pro Hac Vice*)
Earthjustice
21 Ocean Avenue
Marblehead, MA 01945
(781) 631-4119
levans@earthjustice.org

THE HONORABLE WILLIAM H. ALSUP

JAN HASSELMAN (WSB #29107)
(Admitted *Pro Hac Vice*)
Earthjustice
705 Second Avenue, Suite 203
Seattle, WA 98104
(206) 343-7340
(206) 343-1526 [FAX]
jhasselman@earthjustice.org

*Attorneys for Plaintiffs Sierra Club, Great
Basin Resource Watch, Amigos Bravos, and
Idaho Conservation League*

GREGORY C. LOARIE (CSB #215859)
Earthjustice
426 - 17th Street, 5th Floor
Oakland, CA 94612
(510) 550-6725
(510) 550-6749 [FAX]
gloarie@earthjustice.org

Local Counsel for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SIERRA CLUB, et al.,)	Case No. 3:08-cv-01409-WHA
)	
Plaintiffs,)	
)	
v.)	DECLARATION OF CAROL
)	MORGAN EAGLE
STEPHEN JOHNSON, et al.,)	
)	
Defendants,)	
)	
and)	
)	
SUPERFUND SETTLEMENTS PROJECT, et al.,)	
)	
Defendant-Intervenors.)	

DECLARATION OF CAROL MORGAN EAGLE
(Case No. 3:08-cv-01409-WHA)

*Earthjustice
705 Second Ave., Suite 203
Seattle, WA 98104
(206) 343-7340*

1 I, CAROL MORGAN EAGLE, declare and state as follows:

2 1. I am over the age of 21 and competent to testify to all matters contained herein. I
3 have been working with Amigos Bravos since 2002. I have been an official member of Amigos
4 Bravos since January 2008.

5 2. I reside at 2348 Flag Road, Questa, New Mexico 87556. My husband and our
6 dog live on the property, which is located approximately 4 miles from the Molycorp Mine (also
7 known as the Chevron Mine.)

8 3. I have been a watchdog of the Molycorp Mine since 2002, keeping Amigos
9 Bravos informed on situations related to the mine. More recently, I have been working with a
10 Technical Assistance Group (TAG), a group funded by EPA to provide technical assistance to
11 citizens impacted by the mine and to monitor the Superfund process at the mine. I am a member
12 of Amigos Bravos and the TAG group because I am very concerned about the impact the
13 Molycorp/Chevron mine has on the rivers and water systems in Questa.

14 4. The Molycorp Mine and its associated tailings ponds is currently a federal
15 Superfund site. In 2000, the site was proposed to be listed on the National Priorities List, the list
16 of the most dangerous Superfund sites in the country. Both the ground water and surface waters
17 draining the site, like the Red River, have become contaminated with acidic, metal laden waters,
18 including cadmium, copper, lead, silver and zinc, due to Molycorp's mining operations.

19 5. Our water pipes at my home in Questa were intentionally buried in tailings from
20 the Molycorp Mine. I believe this contributed directly to an illness I suffered in 2000, at which
21 time I was diagnosed with heavy metal poisoning. I also believe that the dust blowing from the
22 mine's tailings ponds has adversely impacted my breathing.

23 6. Dust from the tailing ponds blows throughout Questa, especially in the spring
24 when the winds tend to blow every day. Our house is situated approximately 1 mile (as the crow
25 flies) from this location.

26 7. Because I believe that our drinking water is contaminated with pollution from the
27 mine I do not drink or cook with the water that comes out of our faucet. I buy bottled water for
28

1 my drinking and cooking needs. I also stay inside on windy days because I worry about the
2 blowing dust from the tailings facility. I do not grow a vegetable garden because I don't want to
3 eat vegetables watered with polluted water. I never drive up the canyon along the main road
4 between the town of Questa and Red River during times of excessive rain or snow, which is
5 often, because of the instability of the rock pilings.

6 8. I have always chosen not to walk down by the river because of the old pipes that
7 carried tailings to the ponds that leak. I don't let my dog swim in the local pond because of the
8 unnatural color of the water.

9 9. I am concerned that the health of others in my community has also been harmed
10 by pollution from the MolyCorp Mine. I have observed others in my community with health
11 problems that may be caused by exposure to pollution from the mine.

12 10. I believe that I have been substantially economically impacted by the mine. I
13 have had to pay \$38,000 in medical bills from the illness mentioned above. Plus, I buy bottled
14 water to cook and drink with because of my concern about contaminated water. In addition, I
15 believe the proximity of the mine and the related pollution and rock instability has impacted and
16 dropped the value on our home.

17 11. I am aware that the MolyCorp Mine has a reclamation bond that is insufficient to
18 cover the full clean-up costs from the hazardous substances released at the mine.

19 12. I am worried that the mine may not be cleaned up completely or quickly enough
20 because of the insufficient bonding. If the clean-up is not complete or if it is delayed due to lack
21 of funding, my community and my environment are exposed to greater risk.

22 13. I am aware that the U.S. Environmental Protection Agency has failed to write
23 regulations requiring mines to have financial assurance sufficient to cover clean-up when
24 hazardous substances are released. If MolyCorp was required to have financial assurance
25 sufficient to cover the cost of clean-up at the mine, the pollution may never have occurred,
26 because the owner of the mine would have had greater incentive to manage the waste more
27 responsibly. In addition, if the MolyCorp Mine is now required to post a bond sufficient to
28

1 address the pollution it has caused and the risks posed by its activities, I will be more assured
2 that my family and community will be protected from the hazardous substances produced and
3 released from the mine.

4 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true
5 and correct to the best of my knowledge. Executed this 28 day of August, 2008, at Taos, New
6 Mexico.

7
8 
9 CAROL MORGAN EAGLE

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
DECLARATION OF CAROL MORGAN EAGLE
(Case No. 3:08-cv-01409-WHA) -3-

Earthjustice
705 Second Ave., Suite 203
Seattle, WA 98104
(206) 343-7340